

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 05-30042-MLW
)
 CESAR CRUZ and)
 RICARDO DIAZ,)
 Defendants.)

ORDER

WOLF, C.J.

September 27, 2006

For the reasons described in detail in court on September 27, 2006, it is hereby ORDERED that:

1. Defendants Cesar Cruz and Ricardo Diaz's motions for a mistrial are ALLOWED.

2. The court will, pursuant to Federal Rule of Criminal Procedure 14(a), conduct a separate trial on Count 3 of the indictment or conduct a separate trial of each defendant.

3. Counsel shall confer and, by October 6, 2006, inform the court of:

a. Whether they have reached an agreement to resolve this case with regard to either or both defendants.

b. If not, their respective positions on whether the counts or defendants should be severed for trial.

c. Any further pretrial motions they propose to file and a schedule for doing so.

4. A pretrial conference will be held on October 17, 2006,
at 9:30 a.m.

5. A trial will commence on November 13, 2006, at 9:00 a.m.

6. The defendants' release pending trial shall continue on the conditions that were imposed prior to their alteration for the September 25, 2006 trial.

7. With the agreement of the parties, the time until the October 17, 2006 pretrial conference is excluded for Speedy Trial Act purposes pursuant to 18 U.S.C. §3161(h)(8)(A).

/s/ Mark L. Wolf

UNITED STATES DISTRICT JUDGE